

## Interview Summary

Application No.

10/538,176

Applicant(s)

YAMA ET AL.

Examiner

Shumaya B. Ali

Art Unit

3771

All participants (applicant, applicant's representative, PTO personnel):

(1) Examiner Shumaya B. Ali.

(3) Attorney Van Horn.

(2) SPE Justine Yu.

(4) \_\_\_\_\_.

Date of Interview: 02 July 2007.

Type: a) ☐ Telephonic b) ☐ Video Conference

c) ☒ Personal [copy given to: 1) ☐ applicant 2) ☒ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 1-11.

Identification of prior art discussed: Sladek US 6,039,042 and Yamashita US 2003/0101995A1.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

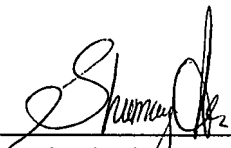
Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

  
JUSTINE R. YU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

 7/2/2007  
Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

During the interview session Mr. Van Horn pointed out three differences that exist between the claimed invention and Sladek US'042. First, claimed invention requires an auxiliary flow path for directly inhaling the outside air which does not communicate with the inhalation flow path and the mouth-side flow path, and auxiliary flow path 20A of Sladek US'042 is a one way flow valve, hence does not bring outside air in. Second, claimed invention requires an air generated impact applied to the pharmaceutical composition by the outside air which flows into the chamber by inhalation-induced pressure generated when a user inhales, which is not found in Sladek US'042. Last, claimed invention requires an air inlet flow path for introducing to the chamber outside air to apply the air-generated impact to the pharmaceutical composition and for injecting the outside air toward the pharmaceutical composition, which further is not found in Sladek US'042. Examiner Ali is in agreement with Mr. Van Horn regarding those differences.

Mr. Van Horn further pointed out that a statement of common ownership with a English translation of Foreign Application will be filled, thus, rejection to claims 8 and 9 based on Yamashita US 2003/0101995A1 will no longer be valid.

Mr. Van Horn agreed to overcome drawing objection either by canceling or properly labeling indicated limitation with reference numbers.

Mr. Van Horn further agreed to make appropriate changes to overcome the claim objection cited in the office action dated 4/9/07.



7/2/2007